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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 GEORGE JOHNSON,

11 Plaintiff,

12 v.

13 DONALD P. WANG,

14 Defendant.

CASE NO. C16-1738JLR

ORDER DENYING STIPULATED
MOTION

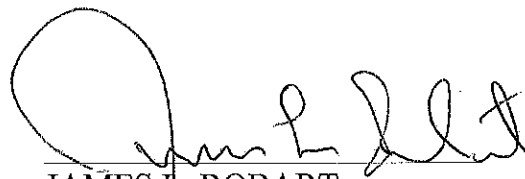
15 Before the court is the parties' stipulated motion to extend the discovery cutoff to
16 July 10, 2018, to allow *pro se* Defendant Donald P. Wang to take Plaintiff George
17 Johnson's deposition. (*See* Stip. (Dkt. # 34).) Although the parties seek to extend the
18 discovery cutoff, that deadline passed on April 16, 2018 (*see* Sched. Order (Dkt. # 23) at
19 1), and thus, the parties in effect seek to reopen discovery (*see* Stip.). The court DENIES
20 the motion.

21 Pursuant to Federal Rule of Civil Procedure 16(b)(4), "[a] schedule may only be
22 modified for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "Good

1 cause” for purposes of Rule 16 focuses on the diligence of the party seeking to modify
2 the pretrial scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
3 607-08 (9th Cir. 1992). Parties must “diligently attempt to adhere to that schedule
4 throughout the subsequent course of the litigation.” *Jackson v. Laureate, Inc.*, 186
5 F.R.D. 605, 607 (E.D. Cal. 1999). In part, the “good cause” standard requires the parties
6 to demonstrate that “noncompliance with a Rule 16 deadline occurred or will occur,
7 notwithstanding [the parties’] diligent efforts to comply, because of the development of
8 matters which could not have been reasonably foreseen or anticipated at the time of the
9 Rule 16 scheduling conference.” *Id.* at 608. Moreover, the court’s scheduling order
10 states that the court does not recognize a “failure to complete discovery within the time
11 allowed . . . as good cause.” (*See* Sched. Order at 2.)

12 Not only do the parties fail to demonstrate good cause, they offer no explanation
13 for their request. (*See* Stip.) Instead, they state only that they “agree” Mr. Wang “should
14 be allowed to depose” Mr. Johnson. (*See id.* at 1.) That statement sheds no light on why
15 Mr. Wang did not depose Mr. Johnson within the time allowed for discovery and
16 therefore is wholly insufficient. *See Johnson*, 975 F.2d at 607-08. In addition, trial is set
17 to begin on August 13, 2018—a little over a month from now. (*See* Sched. Order at 1.)
18 Reopening discovery would unnecessarily interfere with the timely resolution of this
19 case. For those reasons, the court DENIES the motion (Dkt. # 34).

20 Dated this 9th day of July, 2018.

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JAMES L. ROBERT
United States District Judge